



STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR :  
REVOCATION OF THE LICENSE OF :  
:   
ANTHONY J. AGUIRRE, R.N. : ADMINISTRATIVE ACTION  
License No. 26NO12340300 :  
:   
: FINAL ORDER OF  
: DISCIPLINE  
TO PRACTICE NURSING IN THE STATE :  
OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Anthony J. Aguirre ("Respondent") is a registered professional nurse in the State of New Jersey and has been a licensee at all times relevant hereto.
2. Upon receipt of a flagging notice indicating that Respondent was arrested on May 17, 2012 by the Hamilton Township Police Department for Contempt of a Court Order, N.J.S.A. 2C:29-9(b), the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in Hamilton, New Jersey, via regular and certified mail on or about May 24, 2012. The regular mailing was not returned; the

certified mailing was returned to the Board as "unclaimed - unable to forward."

3. Upon receipt of a flagging notice indicating that Respondent was arrested on June 18, 2012 by the Hamilton Township Police Department for Contempt of a Court Order, N.J.S.A. 2C:29-9(b), the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in Hamilton, New Jersey, via regular and certified mail on or about June 21, 2012. The regular mailing was not returned; the certified mailing was returned to the Board as "unclaimed - unable to forward."

4. Upon receipt of a flagging notice indicating that Respondent was arrested on July 12, 2012 by the Hamilton Township Police Department for Contempt of a Court Order, N.J.S.A. 2C:29-9(b), the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in Hamilton, New Jersey, via regular and certified mail on or about July 13, 2012. The regular mailing was not returned; the United States Postal Service reports that the certified mailing was returned to the Board on August 15, 2012 at 10:57 a.m.

5. To date, Respondent has not responded to the Board's multiple requests for information.

### CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's multiple requests for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2, -1.3, in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Respondent's failure to provide the Board with a valid address constitutes a violation of N.J.A.C. 13:37-5.7.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on October 16, 2012, provisionally suspending respondent's nursing license, and imposing a \$200.00 civil penalty. A copy of the Order was forwarded to respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order, and indicated that he had had telephoned the Board's office in connection with

his arrest on May 17, 2012, and because he did not reside in his home, he was unaware of the board's repeated requests for information. He also maintained that he had health problems, and had been in a detention center for a lengthy period of time, which made it difficult to respond. The Board considered this matter, and determined that because respondent has now, in response to the Provisional Order, provided the Board with information to the best of his ability, suspension is no longer applicable. The Board further determined, however, that prior to the issuance of the Provisional Order, respondent did not furnish the documents requested pursuant to the letter that he admitted to receiving following his May 17, 2012 arrest, nor did he notify the Board of any address change subsequent to that. The Board therefore determined that the Provisional Order of Discipline should be finalized, imposing a \$200.00 civil penalty based upon his violation of N.J.A.C. 13:45C-1.2, -1.3.

ACCORDINGLY, IT IS on this 12<sup>th</sup> day of February, 2013,  
ORDERED that:

1. A civil penalty in the amount of \$200.00 is hereby imposed upon Respondent. Payment shall be made by certified check or money order, payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry of this Final Order of Discipline. In

the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A 45:1-24 and the Board may bring such other proceedings as authorized by law.

2. Nothing herein precludes the Board from taking action on the underlying conduct that was originally the subject of inquiry in this matter.

NEW JERSEY STATE BOARD OF NURSING

By: *Patricia Murphy PhD APN*  
Patricia Murphy, PhD, APN  
President